

Appl. No. 10/036,371
Amendment dated August 4, 2004
Reply to Office Action of May 4, 2004
Attorney Ref. No.: 081691 - 0284960

II. REMARKS

Preliminary Remarks:

Claims 28, 42, 44, and 47 are currently amended, and claims 40, 41, 43, 46, and 48 are currently canceled.

Independent claims 28 and 44 are amended to be directed to methods of treatment comprising administering a pharmaceutically effective amount of a serine proteinase obtained from Atlantic cod. Support for the amendments is found in the specification, for example, at page 2, lines 17-34, and page 5.

Patentability Remarks:

35 U.S.C. §112, first paragraph

Claims 43 and 48 were rejected under 35 U.S.C. §112, first paragraph, because the specification was not considered to enable one of skill in the art to make or use the invention. Claims 43 and 48 are canceled in response to the official action.

35 U.S.C. §103(a)

Claims 28-31, 44-45, and 48-50 were rejected under 35 U.S.C. §103(a) as being obvious in view of Faire et al. (U.S. Patent No. 5,958,406).

The official action acknowledged that the applicants have shown that unexpected results are obtained using the disclosed invention, and stated that claims 40-42 and 46-47 would be allowable if rewritten in independent form, including all of the limitations of the base claim and intervening claims. Claim 40 was directed to the method of treatment according to claim 28 wherein the protease that is administered is a serine proteinase obtained from Atlantic cod. In accord with the indication of allowable subject matter in the official action, independent claims have 28 and 44 are amended to be directed to methods of treatment wherein the administered fish protease is a serine proteinase obtained from Atlantic cod. Claims 40, 41, and 46, are canceled as being redundant in view of the amendment of

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claims 28 and 44. Claims 43 and 48, directed to the disclosed methods wherein the trypsin is described in terms of homology, are also canceled. The applicants respectfully submit that at the time of filing, one of ordinary skill in the art could not have predicted that the Atlantic cod serine proteinases of the claimed invention would have shown the unexpectedly high levels of proteolytic activity, particularly towards cell-surface adhesion molecules, relative to proteinases of other species such as the krill proteinase described by Faire et al. Withdrawal of the rejection under 35 USC 103(a) is therefore respectfully requested.

Conclusion

All rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and a Notice to that effect is earnestly solicited. If any points remain in issue, which the examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,

PILLSBURY WINTHROP, LLP

By 

Thomas A. Cawley, Jr., Ph.D.

Reg. No.: 40944

Tel. No.: (703) 905-2144

Fax No.: (703) 905-2500

PILLSBURY WINTHROP LLP
P.O. Box 10500
McLean, VA 22102